

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

B&B FUNDING, LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
GEORGE VENTURELLA, et al.	:	NO. 07-cv-01212-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 6, 2008

Plaintiff has filed an amended complaint, in an attempt to address the issues discussed in my Memorandum and Order dated July 3, 2007. The original complaint named as defendants George Venturella, GV Designer Homes, Ltd., Steve Parmee and Standard Property Development, LLC. The amended complaint names only Messrs. Venturella and Parmee, and Standard Property Development, LLC. Although the purported "Letter Agreement" upon which plaintiffs' claims are based is stated to be "between GV Designer Homes and B&B Funding, LLC," plaintiff now asserts that this was a typographical error, and that GV Designer Homes, Ltd. is not involved in this case at all.

Defendants have filed motions to dismiss the amended complaint for lack of *in personam* jurisdiction over any of the defendants, for failure to state a valid claim under Fed. R. Civ. P. 12(b) (6); and, alternatively, request that the case be transferred to the United States District Court for the Middle District of Florida. It seems reasonably clear, and I so find, that this Court does not have *in personam* jurisdiction over

George Venturella or Standard Property Development, LLC. Since the Letter Agreement was signed by "Steven Parmee, Director," and since the Letter Agreement contains what was apparently intended to be a forum-selection clause, selecting "courts having venue in Montgomery County, Pennsylvania" for the resolution of disputes, it is possible that Mr. Parmee should be deemed subject to *in personam* jurisdiction in this District, at least in his capacity as "Director," but perhaps not in his individual capacity.

Be that as it may, it is very clear that this case should be transferred to Florida - either because of the lack of *in personam* jurisdiction over most of the defendants, or pursuant to 28 U.S.C. § 1404(a). An Order to that effect will therefore be entered.

Since the case is to be transferred, I refrain from addressing defendants' other arguments for dismissal.

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ORDER

AND NOW, this 6th day of March 2008, IT IS ORDERED:

That this case is TRANSFERRED to the United States
District Court for the Middle District of Florida.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.